

Docket No.: 1794-0182PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hiromichi INAISHI et al.

Application No.: 10/575,758

Confirmation No.: 5126

Filed: March 5, 2007

Art Unit: 2128

For: PRINTED CIRCUIT BOARD DESIGN
INSTRUCTION SUPPORT METHOD AND
DEVICE

Examiner: S. A. Alhija

DECLARATION UNDER 37 C.F.R. §1.131

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, **Hiromichi Inaishi**, residing at Dolf Kidokoro III-203, 2573-6, Kawawa-cho, Tsuzuki-ku, Yokohama-shi, Kanagawa, 224-0057, Japan, **Keisuke Fukuoka**, residing at 1-59-100, Yotsuya, Fuchu-shi, Tokyo, 183-0035, Japan, and **Masahiro Yamawaki**, residing at Angel Season Fort Tsukimino 705, 1-1-7, Tsukimino, Yamato-shi, Kanagawa, 242-0002, Japan, do declare and say as follows:

1. We are Inventors of the subject matter disclosed and claimed in the above-identified U.S. Patent application and we are familiar with the prosecution history of the application.

2. We understand that the Examiner in charge of the above-identified application has rejected the claims 25, 26, 32-36 and 42-46 under 35 U.S.C. § 102(b) as being anticipated by Geppert, "IC Design on the World Wide Web", hereinafter "Geppert", in view of Kolman, U.S.

Patent Application No. 2005/0071715, hereinafter "Kolman." Further, claims 28-31 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Geppert in view of Kolman and further in view of Kundert, "Power Supply Noise Reduction" (hereinafter "Kundert").

3. The Kolman Publication was published on March 31, 2005, which is after the U.S. filing date of the present application of October 13, 2004. Therefore, the Examiner is relying on the filing date of September 30, 2003 of the Kolman Publication as the 35 U.S.C. § 102(e) date of the Kolman Publication. Therefore, the effective date of the Kolman Publication is **September 30, 2003**.

4. The present application includes a claim to foreign priority to JP Application No. 2003-354607 filed on October 15, 2003. Therefore, the effective filing date of the present application is October 15, 2003.

5. However, the present invention was conceived **prior to September 30, 2003** and the present invention was constructively reduced to practice by diligently filing Japanese Application No. 2003-354607 on October 15, 2003. As evidence of prior invention, the following facts and documents are provided:

Exhibit 1: Draft patent specification and drawings for Japanese Application No. 2003-354607 prepared by Japanese attorney Junichi Ueshima of Ueshima & Associates Prior to September 30, 2003, "Printed circuit board design instruction support method and print circuit board design instruction support device", and the English translation thereof.

Exhibit 2: Email communication exchanged between patent attorney Junichi Ueshima and inventors of the present application on October 10, 2003 and before this date, regarding the draft patent specification for Japanese Application No. 2003-354607.

Exhibit 3: Revised draft patent specification and drawings for Japanese Application No. 2003-354607 prepared by Japanese attorney Junichi Ueshima of Ueshima & Associates on

October 14, 2003, "Printed circuit board design instruction support method and print circuit board design instruction support device."

Exhibit 4: Email communication exchanged between patent attorney Junichi Ueshima and inventors of the present application on October 14, 2003 and before this date, regarding the revised draft patent specification for Japanese Application No. 2003-354607.

Exhibit 5: Final version of patent specification and drawings for Japanese Application No. 2003-354607 prepared by Japanese attorney Junichi Ueshima of Ueshima & Associates on October 14, 2003, "Printed circuit board design instruction support method and print circuit board design instruction support device."

6. The Japanese Application No. 2003-354607 was then diligently filed on October 15, 2003.

7. In view of the above, Kolman is not available as a reference against the present application.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

April 30, 2010
Date

By 稲見 浩史
Hiromichi Inaishi

April 30, 2010
Date

By 福岡 啓介
Keisuke Fukuoka

April 30, 2010
Date

By 山崎 正浩
Masahiro Yamawaki

Enclosures: Exhibits 1-5